

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.12184 of 2016

R.Sathiyavel

... Petitioner

vs.

1. The District Collector,
Vellore District
Vellore.

2. The Revenue Divisional Officer,
Katpadi,
Katpadi Taluk,
Vellore District.

3. The Tahsildar,
Katpadi Taluk,
Katpadi,
Vellore District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the third respondent to implement the order passed by the respondents 1 and 2 dated 10.3.2016 and 14.3.2016 respectively to conduct the public auction in respect of the tamarind fruits in the tamarind trees situated at Survey No.48/1, Machanur Village, Katpadi Taluk, Vellore District.

For Petitioner : Mr.N.Sampath

For Respondents : Mr.M.Dig Vijaya Pandian,
Addl. Govt. Pleader.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the third respondent to implement the order passed by the respondents 1 and 2 dated 10.3.2016 and 14.3.2016 respectively to conduct the public

auction to harvest the tamarind fruits from the tamarind trees situated at Survey No.48/1, Machanur Village, Katpadi Taluk, Vellore District.

3. It is the case of the petitioner that he is the resident of Machanur Village and he is the first Ward Member of Machanur Village Panchayat. The land in Survey No.48/1, Machanur Village has been classified as Kuttai Poromboke and it is maintained by the third respondent. In the said land, there are some tamarind trees, which are under the control of the third respondent. Now, the tamarind trees are having plenty of fruits and the same have to be harvested. It is the third respondent, who has to conduct public auction for harvesting the tamarind fruits. Hence, the petitioner approached the third respondent on several occasions to conduct public auction. But, the third respondent did not do so. Hence, the petitioner approached the first respondent and submitted a representation dated 17.3.2016 to conduct public auction to harvest the tamarind fruits. The first respondent, by order dated 10.3.2016, directed the respondents 2 and 3 to take appropriate action for conducting the public auction. Thereafter, the second respondent, by order dated 14.3.2016, directed the third respondent to conduct enquiry in this matter. But, so far, the third respondent has not taken any action. Already 5% of the fruits were illegally plucked by the anti-social elements. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to implement the order passed by the respondents 1 and 2 dated 10.3.2016 and 14.3.2016 respectively, to conduct the public auction to harvest the tamarind fruits from the tamarind trees situated at Survey No.48/1, Machanur Village, Katpadi Taluk, Vellore District, within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

sbi

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Vellore District
Vellore.

2. The Revenue Divisional Officer,
Katpadi,
Katpadi Taluk,
Vellore District.

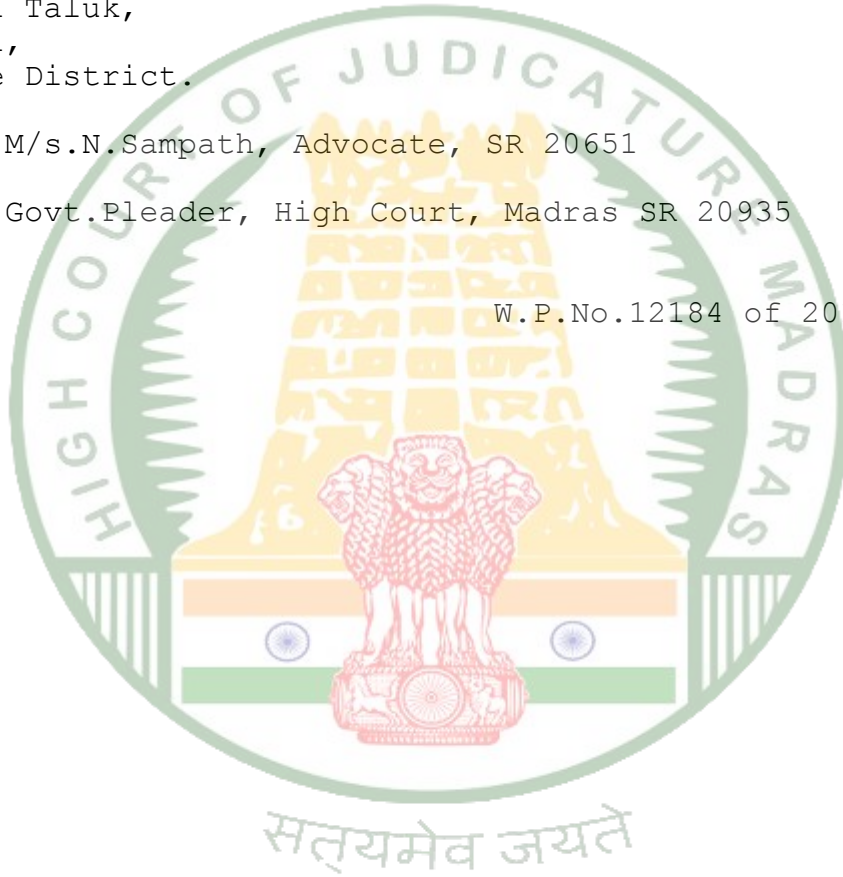
3. The Tahsildar,
Katpadi Taluk,
Katpadi,
Vellore District.

+ 1 cc to M/s.N.Sampath, Advocate, SR 20651

+ 1 cc to Govt.Pleader, High Court, Madras SR 20935

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